

IN RE: PETITION FOR SPECIAL HEARING	* BEFORE THE
NE/Corner Old York Road and	* ZONING COMMISSIONER
Openshaw Road	* OF BALTIMORE COUNTY
(19861 Old York Road)	* Case No. 97-225-SPH
7th Election District	*
3rd Councilmanic District	
Warrener Rentals, Inc.	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for that property known as 19861 Old York Road, located in the vicinity of Graystone Road in White Hall. The Petition was filed by the owner of the property, Warrener Rentals, Inc., by Donald Warrener, Officer, through his attorney, Newton A. Williams, Esquire. The Petition, as filed, seeks approval of an existing one-story, 50' x 80' building as a nonconforming service garage. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Donald Warrener, Sr., property owner, Vincent J. Moskunas, Professional Engineer with M & H Development Engineers, Inc., who prepared the site plan for this property, and Newton A. Williams, Esquire. There were no Protestants or other interested persons present.

Testimony and evidence offered revealed that the subject property is known as the Warrener Rentals, Inc. Property, Parcel One. The property is a rectangular shaped parcel located near the intersections of Old York Road with Graystone and Openshaw Roads in northern Baltimore County. The property consists of 4.83 acres, more or less, of which 2.16 acres are zoned R.C.C. and the remaining 2.67 acres are zoned R.C.2. These zoning

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 Date 2/18/97
 By [Signature]

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classifications were placed on the property as a result of the 1992 quadrennial zoning process. The zoning of the site was not changed during the 1996 quadrennial zoning process.

The property is improved with five buildings, all of which are located within the R.C.C. zoned portion of the property. Mr. Warrenner testified that he acquired the property in 1981 and that all of the buildings existed on the property at that time. Closest to the intersection of Openshaw Road and York Road is a two-story frame dwelling which serves as the Petitioner's residence. Adjacent to the aforementioned dwelling is an 80' x 50' one-story aluminum building, which is attached to a 36' x 30.5' one-story concrete block building. It is these two structures which are the subject of the Petition for Special Hearing. Other improvements on the site include a one-story brick and concrete block building used for commercial purposes and a one-story concrete block and frame building, currently vacant. These two commercial buildings, as well as the dwelling, are not the subject of the Petition.

Mr. Warrenner indicated that since his acquisition of the property in 1981, he has used the one-story aluminum building and the attached concrete block garage building as a service garage. He indicated that he and other members of his family are engaged in the refuse hauling business and that this business owns approximately 15 heavy-duty trash removal vehicles. These vehicles are routinely serviced within the aforementioned structures. Additionally, Mr. Warrenner testified that he has leased a portion of these structures to other vehicle repair businesses. Specifically, he stated that a business known as Ray's Repairs operated within the aluminum building for approximately 5 years, and another business, known as Pete's Machine Shop, has also rented space within the building.

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2/18/97
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His uncontradicted testimony was that the subject one-story aluminum building, and the attached one-story concrete block garage building have been used continuously and without interruption as a service garage since his purchase of the property in 1981. He also testified that he believes that these buildings were used as service garages prior to his acquisition of the site, but admitted that he had little personal knowledge of the property prior to 1981.

As noted above, this matter comes before me as a Petition for Special Hearing seeking a nonconforming use designation of the one-story 50' x 80' building as a service garage. During the hearing, Petitioner's Counsel requested that the nonconforming designation also be applied to the attached 36' x 30.5' one-story concrete block garage.

A nonconforming use is defined in Section 101 of the B.C.Z.R. as "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use."

Section 104 of the B.C.Z.R. regulates nonconforming uses. In essence, that Section allows nonconforming uses to continue under certain circumstances. A nonconforming use designation can be utilized to grandfather a use from existing requirements and regulations. Specifically, Section 104 permits nonconforming uses to remain if the specific use existed prior to the date of the prohibiting regulation, and if such use has not been abandoned, changed or discontinued for a period of one year or more. In such an event, the nonconforming use designation will legitimize an otherwise illegal use.

At the hearing, Counsel for the Petitioner introduced zoning maps for the subject property from 1980, 1988, and 1992. These maps show that a portion of the site was zoned B.R. in 1980, down-zoned to B.L. in 1988,

INDEXED
Date 2/18/97
By [Signature]

and rezoned to R.C.C., its current classification, in 1992. The portion of the site which previously contained these business classifications is generally located immediately along Old York Road, and abutting the intersection of that street with Openshaw Road and Graystone Road.

Counsel for the Petitioner also noted that a service garage is permitted by right in the B.R. zone, pursuant to Sections 236.1 and 233.2 of the Baltimore County Zoning Regulations (B.C.Z.R.). Thus, the Petitioner argued that the service garage use contained within the two buildings at issue was a permitted use, and therefore, lawful in 1980 when the property was zoned B.R. Counsel indicated that only when the zoning was changed in 1984 was the service garage use not permitted. The B.L. classification does not permit, by right, service garages. Thus, the Petitioner argues that the nonconforming use designation should attach to the structures, thereby permitting a use which was valid until 1984 in that said use has continued without interruption since that date.

Although the Petitioner's interpretation of the law is correct, relief cannot be granted here under the facts presented in this case. Specifically, a close examination of the zoning maps is persuasive. The 1980 map indeed indicates that a portion of the subject site was zoned B.R. However, that map shows that the B.R. zoning classification extended into the property a distance of approximately 150 feet from Old York Road. Moreover, although the dwelling and the two unrelated commercial buildings are clearly shown on that map within the land zoned B.R., the one-story aluminum building and the one-story concrete block building are not shown within that portion of the tract. The 1984 map depicts a similar situation. On that map, the B.L. zoned portion of the tract again extends approximately 150 feet into the property from Old York Road and appears only to con-

tain three buildings; i.e., the dwelling and the two unrelated commercial structures. It is not until one views the 1992 map is the one-story aluminum building and attached concrete block garage first shown. Moreover, the R.C.C. zoning classification is significantly deeper into the property, approximately 300 feet, then the previous area zoned B.R. and B.L. Furthermore, it should be observed that the balance of the tract (i.e., that area outside the portion previously zoned B.R., B.L., and now R.C.C.) has consistently been zoned R.C.2. The R.C.2 zoning classification does not permit, either by right or by special exception, a service garage.

Based upon these factors, I am obligated to conclude that the service garage use of the one-story aluminum building and attached one-story concrete block garage was never permissible. After a careful examination of the maps, I am persuaded that those buildings have always been on land previously zoned R.C. and now zoned R.C.C. Under either zoning classification, a service garage is not permitted. Thus, the Petition for Special Hearing must and shall be denied.

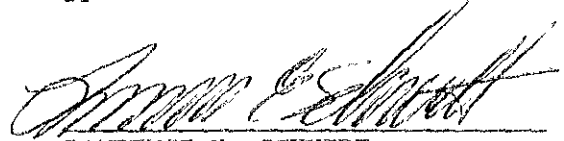
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of February, 1997 that the Petition for Special Hearing to approve an existing one-story, 50' x 80' building as a nonconforming service garage, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have ninety (90) days from the date of this Order to cease operating a service garage on the premises; and,

ORDER RECEIVED FOR FILING
Date 2/18/97
By [Signature]

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

6/18/99
bjs

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
WARRENER RENTALS, INC.	*	
FOR A SPECIAL HEARING ON		
PROPERTY LOCATED ON THE NORTH--*		OF
EAST CORNER OLD YORK ROAD AND		
OPENSHAW ROAD	*	BALTIMORE COUNTY
(19861 OLD YORK ROAD)		
7TH ELECTION DISTRICT	*	CASE NO. 97-225-SPH
3RD COUNCILMANIC DISTRICT		
* * * *	*	* * * *

ORDER OF DISMISSAL

This matter comes to this Board on appeal of a decision of the Zoning Commissioner in which in the Petition for Special Hearing filed by Donald Warrener, Warrener Rentals, Inc., was denied by Order dated February 18, 1997.

The first hearing in this matter scheduled before the Board of Appeals was postponed at the request of Petitioner. Ultimately, a hearing was scheduled to be heard by this Board on Thursday, January 21, 1999 at 10:00 a.m., for which proper notice was given. Appearing at the scheduled hearing of January 21, 1999 were Peter Max Zimmerman, People's Counsel for Baltimore County, as well as Dr. Richard W. McQuaid; Gloria McQuaid; Martha Slade Hackett; and Sterling Leese. Neither Donald Warrener, Sr., Appellant /Petitioner, nor a representative on his behalf, appeared. Attempts to reach Appellant /Petitioner by telephone were unsuccessful. A letter sent to Mr. Warrener on January 11, 1999 from Peter Max Zimmerman, People's Counsel, (entered as People's Counsel Exhibit #1) received no response.

The Board convened on the scheduled hearing date of January 21, 1999, and, on the record and in open hearing, Mr. Zimmerman moved for dismissal for failure to appear. Upon consideration of

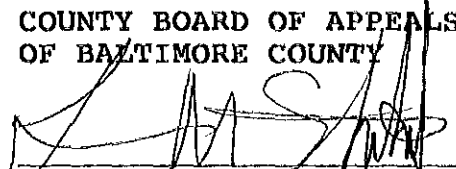
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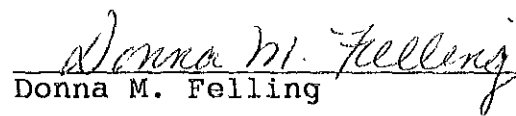
same, the Board granted said Motion for Dismissal and will so order.

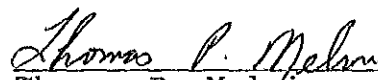
IT IS THEREFORE ORDERED this 28th day of January, 1999 by the County Board of Appeals of Baltimore County that the appeal filed in Case No. 97-225-SPH be and the same is hereby **DISMISSED** with prejudice for Failure to Appear. Therefore, the Order of the Zoning Commissioner dated February 18, 1997 is a final Order, and Petitioner's request for special hearing is **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the Maryland Rules and Procedure. If no such petition is filed within 30 days from the date of this Order, the subject file will be closed.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence M. Stahl, Panel Chairman


Donna M. Felling


Thomas P. Melvin

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County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

January 28, 1999

Mr. Donald Warrener, Sr.
19865 Old York Road
White Hall, MD 21161

RE: Case No. 97-225-SPH / In the
Matter of Warrener Rentals, Inc.

Dear Mr. Warrener:

Enclosed please find a copy of the Order of Dismissal issued
this date by the County Board of Appeals of Baltimore County
in the subject matter.

Very truly yours,

Charlotte E. Ruckelshaus for
Kathleen C. Bianco
Administrator

encl.

cc: Martha Slade Hackett
Dr. and Mrs. Richard W. McQuaid
Sterling Leese
People's Counsel for Baltimore County
Pat Keller
Lawrence E. Schmidt
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

February 18, 1997

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner Old York Road and Openshaw Road
(19861 Old York Road)
7th Election District - 3rd Councilmanic District
Warrener Rentals, Inc. - Petitioner
Case No. 97-225-SPH

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Donald Warrener, Sr.
19865 Old York Road, White Hall, Md. 21161

Mr. Vincent J. Moskunas, M & H Development Engineering
200 E. Joppa Road, Towson, Md. 21286

People's Counsel

File

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Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at Old York, Graystone and Openshaw Roads

97-225-SPH

which is presently zoned R.C.C.

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve non-conforming service garage uses for the one story, 50 x 80 foot building on the Site Plan.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

Newton A. Williams

(Type or Print Name)

Signature *Newton A. Williams*

Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700

Address

Phone No. 823-7800

Towson,

MD

21204

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Warrener Rentals, Inc.

(Type or Print Name)

Signature *Donald Warrener*

Donald Warrener, Officer

(Type or Print Name)

Signature

19861 Old York Road

329-6246

Address

Phone No.

Baltimore County, MD

21161

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Newton A. Williams

Nolan, Plumhoff & Williams

Name

Suite 700 - 502 Washington Ave.
Towson, MD 21204

823-7800

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: *Jim*

DATE

11-20-76

225

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NOVEMBER 5, 1996

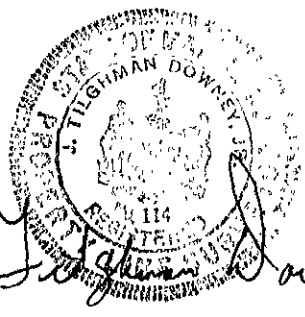
97-225-SPH

DESCRIPTION FOR SPECIAL HEARING
FOR PROPERTY LOCATED
#19861 OLD YORK ROAD

BEGINNING for the same at the intersection formed by the centerline of Openshaw Road and the centerline of Old York Road, thence N $63\frac{1}{4}^{\circ}$ E, 429 feet; thence S $27^{\circ} 31'$ E, 541.43 feet; thence S $67\frac{1}{4}^{\circ}$ W, 404.25 feet; thence N $30\frac{3}{4}^{\circ}$ W, 383.63 feet to the Place Of Beginning.

Containing 4.83 Acres, more or less.

Being part of that tract or parcel of land described in a Deed dated February 6, 1981 and recorded among the Land Records of Baltimore County in Liber 6258, folio 727.



J. Tilghman Downey, Jr.

J. Tilghman Downey, Jr.

225

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

97-225-SPH

DATE 4/10/72 ACCOUNT APPEAL

AMOUNT \$ 250.00

RECEIVED FROM: Newton A. Williams

FOR: Appeal 97-225-SPH

MICROFILMED

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

DATE 4/5/72 ACCOUNT APPEAL

AMOUNT \$ 210.00

RECEIVED FROM: Newton A. Williams

FOR: Appeal 97-225-SPH

MICROFILMED

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

97-225-SPH

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 225 Petitioner: WARRENER RENTALS, INC. By: DEAN WARRENER

Location: 19861 OLD YORK RD. BALTO, MD. 21161

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SAANE

ADDRESS: _____

PHONE NUMBER: 329-6246

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CERTIFICATE OF POSTING

RE: Case No.: 97-225-SPH

Petitioner/Developer: _____

WARRENER RENTALS

Date of Hearing/Closing: _____

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at _____

19861 OLD YORD RD.

The sign(s) were posted on _____

5/8/97

(Month, Day, Year)

Sincerely,

 5/12
(Signature of Sign Poster and Date)

(Printed Name)

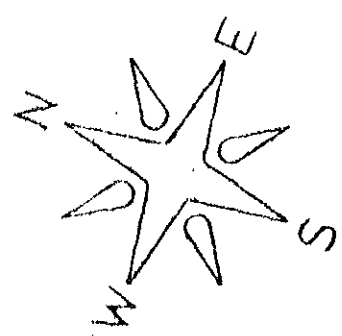
(Address)

(City, State, Zip Code)

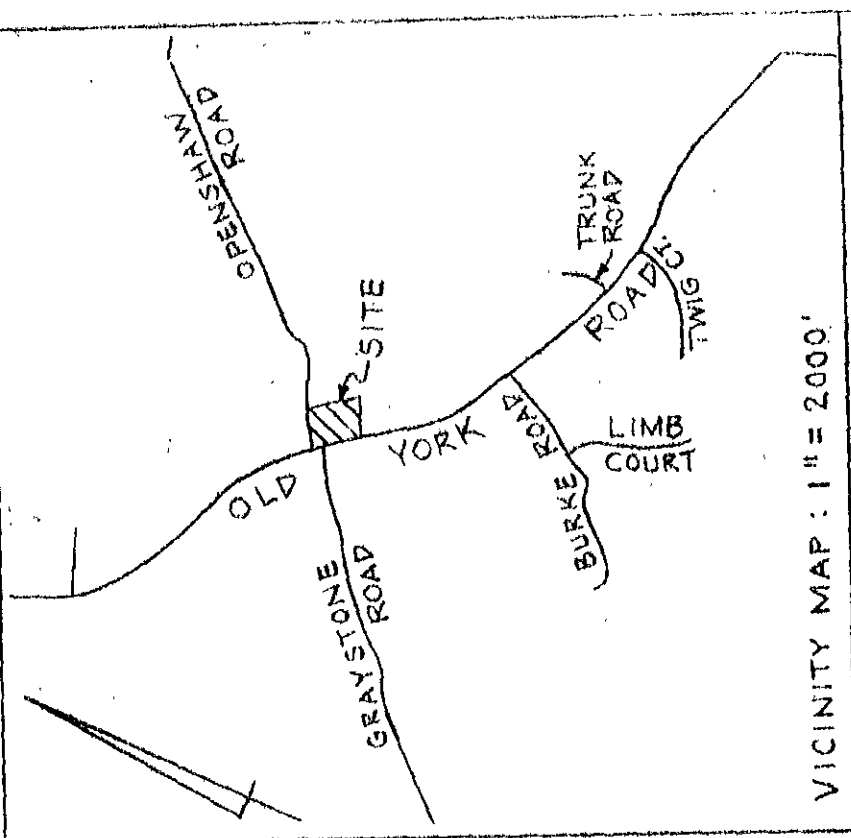
(Telephone Number)

97-225-JPH

1
7.0 x 2.0
#



EX. 2
STORY
DWLG.
#2511



LOCATION INFORMATION

1. COUNCILMANIC DISTRICT : 3
2. 1" = 200' SCALE MAP # : NE 34-B
3. ZONING : R.C.C. 2.16 Act, 94,250, RC2 2.67 Act 116,145^{5f}
4. LOT SIZE : 4.83 ACREAGE SQUARE FEET
210,395
5. CHESAPEAKE BAY CRITICAL AREA : NO
6. PRIOR ZONING HEARINGS : NONE
7. OWNER : WARRENER RENTALS, INC.
19861 OLD YORK ROAD
BALTIMORE COUNTY, MD. 21161
8. TAX ACCOUNT # 0708030200
9. DEED : G258 - 727
10. CENSUS TRACT : 4071

R.C.2

FRANKLIN & MARTHA
3121 - 385
ACCT. # 07030476

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Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: _____

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: TO APPEAL A NON-CONFORMING SERVICE
GARAGE USES FOR THE ONE STORY, 50 X 80 FT.
BUILDING ON THE SITE PLAN.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

TO: PUTUMENT PUBLISHING COMPANY
November 28, 1996 Issue - Jeffersonian

Please forward billing to:

Warrener Rentals, Inc.
19861 Old York Road
Baltimore, Maryland 21161
329-6246

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-225-SPH (Item 225)
19861 Old York Road
NEC Old York and Openshaw Roads
7th Election District - 3rd Councilmanic
Legal Owner(s): Warrener Rentals, Inc.
Special Hearing to approve non-conforming service garage uses for the one story, 50 x 80 foot building on the site plan.

HEARING: MONDAY, DECEMBER 23, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 22, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 97-225-SPH (Item 225)

19861 Old York Road

NEC Old York and Openshaw Roads

7th Election District - 3rd Councilmanic

Legal Owner(s): Warrenner Rentals, Inc.

Special Hearing to approve non-conforming service garage uses for the one story, 50 x 80 foot building on the site plan.

HEARING: MONDAY, DECEMBER 23, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Warrenner Rentals, Inc.
Newton A. Williams, Esq.

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 8, 1996.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

June 25, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-225-SPH

IN THE MATTER OF: WARRENER RENTALS, INC. --
Petitioner 19861 Old York Road
7th Election District; 3rd Councilmanic

(Petition for Special Hearing DENIED.)

*pp'd at
reg. of N. Williams
and held
pending
trip.*
ASSIGNED FOR:

THURSDAY, AUGUST 28, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Counsel for Petitioner /Appellant : Newton A. Williams, Esquire
Petitioner /Appellant : Donald Warrener, Sr.

Vincent J. Moskunas /M & H Development Engineers, Inc.

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

MICROFILMED





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

July 15, 1997

NOTICE OF POSTPONEMENT

CASE #: 97-225-SPH

IN THE MATTER OF: WARRENER RENTALS, INC. -
Petitioner 19861 Old York Road
7th Election District; 3rd Councilmanic

(Petition for Special Hearing DENIED.)

which was scheduled for hearing before the Board on August 28, 1997 has been POSTPONED at the request of Counsel for Petitioner /Appellant, without objection by the Office of People's Counsel; to be reset upon request pursuant to letter of postponement.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c). For further information, see Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

Kathleen C. Bianco
Administrator

cc: Counsel for Petitioner /Appellant : Newton A. Williams, Esquire
Petitioner /Appellant : Donald Warrener, Sr.

Vincent J. Moskunas /M & H Development Engineers, Inc.

People's Counsel for Baltimore County

Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

MICROFILMED



Printed with Soybean Ink
on Recycled Paper

MICROFILMED



Printed with Soybean Ink
on Recycled Paper



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180

Hearing Room - Room 48
Old Courthouse, 400 Washington Avenue

December 18, 1998

NOTICE OF ASSIGNMENT

CASE #: 97-225-SPH IN THE MATTER OF: WARRENER RENTALS, INC. -
Petitioner 19861 Old York Road
7th Election District; 3rd Councilmanic
(Petition for Special Hearing DENIED.)

ASSIGNED FOR: THURSDAY, JANUARY 21, 1999 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco
Administrator

cc: Petitioner /Appellant : Donald Warrener, Sr.

Vincent J. Moskunas /M & H Development Engineers, Inc.

People's Counsel for Baltimore County

Pat Keller, Director /Planning

Lawrence E. Schmidt /Z.C.

Arnold Jablon, Director /PDM

Virginia W. Barnhart, County Attorney

MICROFILMED



Case No. 97-225-SPH

Warrener Rentals, Inc. - Petitioner

NE/c Old York Road and Openshaw Road
(19861 Old York Road)

7th Election District

Appealed: 3/4/97

(see attached copy of
vicinity map)

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 17, 1996

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
502 Washington Avenue, Suite 700
Towson, MD 21204

RE: Item No.: 225
Case No.: 97-225-SPH
Petitioner: Warrenner Rentals, Inc.

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 20, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

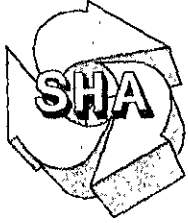
A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 12.13.94
Item No. 229 (JRF)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Ronald Burns, Chief
Engineering Access Permits
Division

LG

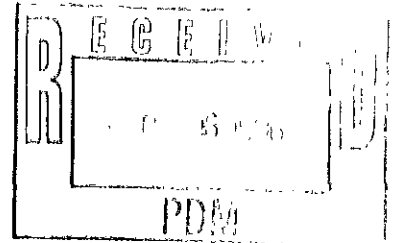
My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 12/05/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: WARRENER RENTALS, INC.

Location: NEC INTERSECTION OLD YORK AND OPENSHAW RD. ((19861 OLD YORK RD.))

Item No.: 225

Zoning Agenda: SPECIAL HEARING

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

MICROFILMED

cc: File



Printed with Soybean Ink
on Recycled Paper

B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 5, 1996

FROM: *Pub* Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for December 9, 1996
 Item Nos. 185, 219, 220, 221, 222,
 223, 225, 226, 227, 228, 229, 230,
 & 231

 The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: December 3, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 185, 220, 223, 225, 227, 228, and 231

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey M. Long

Division Chief:

Cary L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: Dec. 3, 96

FROM: R. Bruce Seeley *RBS/sp*
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 2, 96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: ~~#~~ 219
220
223
(225)
227
228
231

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 6, 1997

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams
502 Washington Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/Corner Old York Road and Openshaw Road
(19861 Old York Road)
7th Election District - 3rd Councilmanic District
Warrener Rentals, Inc. - Petitioner
Case No. 97-225-SPH

Dear Mr. Williams:

Please accept this letter as a follow-up to our telephone conversation this date concerning the hearing held in the above-captioned matter on December 23, 1996. At that time, I entertained a Petition for Special Hearing filed by your client, Warrener Rentals, Inc., which sought approval of a one-story, 50' x 80' aluminum building as a nonconforming service garage use.

As we discussed by telephone this date, the testimony and evidence offered at the hearing was uncontradicted and I indicated at the conclusion of the hearing that the Petition would be granted. However, after further study of the evidence submitted, I have certain reservations about the propriety of granting the requested relief. Specifically, I have had an opportunity to review the zoning maps for 1980, 1984 and 1992 which were submitted at the hearing. The 1980 zoning map shows a corner of the subject property immediately adjacent to Old York Road and Openshaw Road as being zoned B.R. That map, drawn to a scale of 1" = 200', indicates that the B.R. classification extended into the property to a depth of approximately 150 feet. The 1984 map shows an identical area, but with a B.L. zoning classification. Again, the B.L. classification extended into the property to a depth of approximately 150 feet. Both the 1980 and 1984 maps showed an L-shaped building within the business zone and a small building, which I believe to be the 36' x 30.5' one-story concrete block garage, located outside of the business zone on that part of the tract zoned R.C.2. The building at issue, the one-story, 50' x 80' aluminum building, is not shown on either the 1980 or 1984 zoning maps. The 1992 map shows both the one-story aluminum building and the 36' x 30.5' garage. The 1992 map also indicates that the property was rezoned to its present R.C.C. classification. More importantly, the area of the R.C.C. classifi

*Newton Williams
called, he agrees, he
has a problem, he
says "z.c.'s hands are
tied" he's going to
ask for a
JSG
2/10/97*

MICROFILMED

Newton A. Williams, Esquire
January 6, 1997
Page 2

cation is significantly larger than the area previously zoned B.R. and B.L. Specifically, the R.C.C. zone extends into the property to a depth of approximately 300 feet along Openshaw Road.

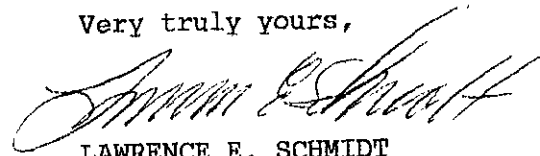
An examination of the site plan (Petitioner's Exhibit 1) indicates that the side of the one-story aluminum building closest to Old York Road is located approximately 125 feet from that road. The building's depth (80 feet) means that the back wall of the building is located in excess of over 200 feet from the road. An examination of the above documents leads me to conclude that a significant portion of the one-story aluminum building, as well as all of the 36 x 30.5' concrete block garage were never located in the business zoned portion of the property. Both structures are presently located entirely in the portion of the tract zoned R.C.C.; however, a majority of the one-story aluminum building and the entire concrete block garage were previously located on that portion of the tract zoned R.C.2.

Mr. Warrenner's testimony was that he acquired the site in 1981 and the evidence offered by his testimony is largely related to activities on the site since that time. I do not know if he has knowledge of the property prior to that date, including prior to the time the R.C. zoning classification was adopted by the County Council in 1979.

Based upon the foregoing, I have serious reservations whether the relief which has been Petitioned can be granted. I do not feel it is necessary to deny the Petition at this time in view of my comments at the hearing and the fact that I became aware of the discrepancy only upon a detailed examination of the zoning maps following the hearing. However, a reconvening of the public hearing may be appropriate in this instance. Therefore, please contact me after you have had an opportunity to investigate this matter further with your client and a decision will be made at that time as to how we should proceed.

Thank you for your attention in this matter.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File

Newton A. Williams, Esquire
January 6, 1997
Page 2

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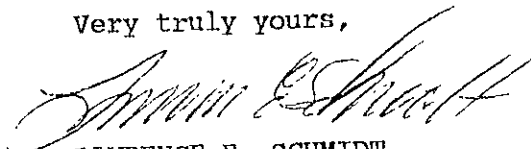
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Thank you for your attention in this matter.

Very truly yours,


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Case File

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 24, 1997

Mr. Vincent J. Moskunas
M & H Development Engineering
200 E. Joppa Road
Towson, MD 21286

RE: Petition for Special
Hearing
NE corner Old York Road
and Openshaw Road
(19861 Old York Road)
7th Election District
3rd Councilmanic District
Warrener Rentals, Inc. -
Petitioner
Case No. 97-225-SPH

Dear Mr. Moskunas:

Please be advised that an appeal of the above-referenced case was filed in this office on March 4, 1997 by Newton A. Williams, Esquire on behalf of Warrener Rental, Inc. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 887-3180.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

ARNOLD JABLON
Director

AJ:rye

c: People's Counsel

MICROFILMED



APPEAL

Petition for Special Hearing
NE/corner Old York Road and Openshaw Road
(19861 Old York Road)
7th Election District - 3rd Councilmanic District
Warrener Rentals, Inc. - Petitioner
Case No. 97-225-SPH

Petition for Special Hearing

Description of Property

No Certificate of Publication Found

Zoning Advisory Committee Comments

Petitioners Exhibits: 1 - Plat to Accompany Special Hearing
2 - No Exhibit Found
3A - Photogrammetric Map
3B - No Exhibit Found
3C - 1992 Comprehensive Zoning Map

Six Photographs not Marked as Exhibits

Letter from Lawrence E. Schmidt, Zoning Commissioner, to Newton A. Williams, Esquire dated January 6, 1997

Letter from Newton A. Williams, Esquire to Lawrence E. Schmidt, Zoning Commissioner, dated February 12, 1997

Zoning Commissioner's Order dated February 18, 1997 (Denied)

Notice of Appeal received on March 4, 1997 from Newton A. Williams, Esquire on behalf of Warrener Rentals, Inc.

c: Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 502
Washington Avenue, Suite 700, Towson, MD 21204
Mr. Donald Warrener, Sr., 19865 Old York Road, White Hall, MD 21161
Mr. Vincent J. Moskunas, M & H Development Engineering, 200 E.
Joppa Road, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

MICROFILMED

APPEAL

Petition for Special Hearing
NE/corner Old York Road and Openshaw Road
(19861 Old York Road)
7th Election District - 3rd Councilmanic District
Warrener Rentals, Inc. - Petitioner
Case No. 97-225-SPH

- ✓ Petition for Special Hearing
- ✓ Description of Property
- ✓ No Certificate of Publication Found
- ✓ Zoning Advisory Committee Comments
- ✓ Petitioners Exhibits: 1 - Plat to Accompany Special Hearing
2 - No Exhibit Found
✓ 3A - Photogrammetric Map
3B - No Exhibit Found
3C - 1992 Comprehensive Zoning Map
- ✓ Six Photographs not Marked as Exhibits
- ✓ Letter from Lawrence E. Schmidt, Zoning Commissioner, to Newton A. Williams, Esquire dated January 6, 1997
- ✓ Letter from Newton A. Williams, Esquire to Lawrence E. Schmidt, Zoning Commissioner, dated February 12, 1997
- ✓ Zoning Commissioner's Order dated February 18, 1997 (Denied)
- ✓ Notice of Appeal received on March 4, 1997 from Newton A. Williams, Esquire on behalf of Warrener Rentals, Inc.

c: ~~*Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 502
Washington Avenue, Suite 700, Towson, MD 21204~~
Mr. Donald Warrener, Sr., 19865 Old York Road, White Hall, MD 21161
Mr. Vincent J. Moskunas, M & H Development Engineering, 200 E.
Joppa Road, Towson, MD 21286
People's Counsel of Baltimore County, M.S. 2010

STRUCK APPEARANCE
8-28-97

✓E

Request Notification: Lawrence Schmidt, Zoning Commissioner
Arnold Jablon, Director of PDM

Mrs. James E. Hackett Jr
20815 West Liberty Road
White Hall MD 21161
(requested copy of opinion)

Send copy of opinion to:
Dr. and Mrs. Richard McQuaid
1501 Harris Mill Road
Parkton MD 21120-9276

MICROFILMED

Case No. 97-225-SPH

SPH -Approval of an existing one-story , 50' x 80' building as a nonconforming service garage.

2/18/97 -Z.C.'s Order in which Petition for Special Hearing was DENIED.

6/25/97 - Notice of Assignment for hearing scheduled for Thursday, August 28, 1997 at 10:00 a.m. sent to following:

Newton A. Williams, Esquire
Donald Warrenner, Sr.
Vincent J. Moskunas /M & H Development Engineers, Inc.
People's Counsel for Baltimore County
Pat Keller, Director /Planning
Lawrence E. Schmidt /Z.C.
Arnold Jablon, Director /PDM
Virginia W. Barnhart, County Attorney

7/07/97 -Letter of postponement filed by Newton A. Williams, Esquire, counsel for Petitioner /Appellant; requests that matter be postponed and put on hold docket pending outcome of reclassification case scheduled for September hearing before the Board. No objection to this request by the Office of People's Counsel.

7/15/97 -Notice of PP sent to parties; Mr. Williams' request for postponement GRANTED; case postponed and put on hold docket as requested pending outcome of reclassification case.

8/28/98 -Letter from N. Williams -- striking appearance of Nolan Plumhoff & Williams and Newton A. Williams in this matter and also CR-97-466-X.

12/18/98 -Notice of Assignment sent to parties; case scheduled for hearing on Thursday, January 21, 1999 at 10:00 a.m.

1/21/99 -Board convened for hearing; Petitioner nor a representative on his behalf appeared. People's Counsel did appear, as well as several protestants and Sterling Leese. People's Counsel moved for dismissal for failure to appear. Efforts to reach Mr. Warrenner, Petitioner /Appellant, by either telephone or letter (People's Counsel Exhibit #1) were unsuccessful. The Notice of Assignment sent on December 18, 1998 was not returned to this Board and therefore considered to have been received by the Petitioner.

- People's Counsel request for dismissal was granted; Order to be issued by CBA; appeal dismissed; Order of the ZC remains a final order; special hearing denied. (L.M.F.)

800 000 000

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 16, 1999
Permits & Development Management

FROM: Charlotte E. Radcliffe *CR*
County Board of Appeals

SUBJECT: Closed File:
97-225-SPH /Warrener Rentals, Inc. -Petitioner

Since no further appeal was taken in the above captioned case,
which was dismissed by Order dated January 28, 1999, we are hereby
closing the file and returning same herewith.

Attachment (File No. 97-225-SPH)

MICROFILMED

File

NEWTON A WILLIAMS
THOMAS J RENNER
WILLIAM P ENGLEHART, JR
STEPHEN J NOLAN*
ROBERT L HANLEY, JR
ROBERT S GLUSHAKOW
STEPHEN M SCHENNING
DOUGLAS L BURGESS
ROBERT E CAHILL, JR
C WILLIAM CLARK
E. BRUCE JONES**
STUART A SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
823-
7836

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

February 12, 1997

Honorable Lawrence F. Schmidt
Zoning Commissioner
Old Court House
Towson, Maryland 21204

Re: Case No.: 97-225-SPH
Warrener Rentals, Inc.
Corner of Old York Road and Openshaw Road

FILED
FEB 12 1997
HB 21
CLERK OF COURT

Dear Commissioner Schmidt:

Thank you for your extensive, analytical letter of January 6, 1997.

As I stated, we did not discover the problem with the shallowness of the BL and BR zoning on the 1980 and 1984 maps until we were actually in the hearing.

The reason for delaying a reply to your letter of January 6, is trying to think of a way to remedy the situation short of a reclassification case.

Unfortunately, I cannot think of way to solve it, because rightly or wrongly Baltimore County granted Mr. Warrener a permit to build a garage which extended beyond the depth of the BR zone when it was built in the early '80's. As we both know, the well-known case of *Cromwell v. Ward*, which I participated in, says among other things that if the clerk wrongfully grants a building permit that is not binding upon the County. That is the power of the County departments, Permits and Licenses, Zoning, etc. only extends as far as the zoning, and other regulations, and if they mistakenly grant something that they should not have granted that is not binding on the County.

Thus, the only solution that I can see is to file for a reclassification from RCC to BR or BM, to allow a service garage as a matter of right, with such filing to occur before March 1, 1997.

This is not a case of a violation case, but it is a case where Mr. Warrener needs to put a garage replacement tenant in part of the garage, and Baltimore County needs to sign.

We would respectfully ask you and your department as well as PADM, to grant some type of an interim permit to the new tenant, while we attempt to get the matter straightened out.

ENCLOSURE

February 12, 1997
page two

By a carbon copy of this letter directed to Arnold Jablon, Esquire, the Director of PADM, we are asking him to consider this indulgence while we pursue a reclass.

I wish that I could think of an easier solution, but I cannot. I believe that we both agree that it is beyond your power to grant a non-conforming use for that portion of the property which was not zoned BR.

However, I would ask you if it would be appropriate for you to issue an Opinion and Order in the matter which would reflect the factual situation as to the zoning, but also reflect the continuous service garage use since the early 1980's, if you are satisfied with the testimony that we produced on this point at the hearing.

Thanking you, and Mr. Jablon and his Department for your kind attention to these matters, I am

Respectively,



Newton A. Williams

NAW:mao

cc: Mr. Donald Warrener

Mr. Vince Moskunas
M&H Engineering
Shell Building
100 East Joppa Road
Towson, Maryland 21204

MICROFILMED

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM P. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
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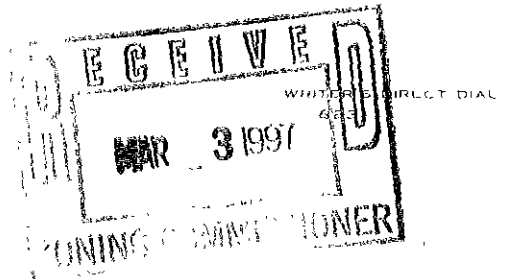
LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

3/5/97 97-958
8
TO JAW
JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH E. DEITZ
(1918-1990)

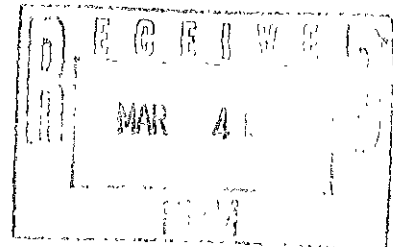


*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

February 25, 1997

The Honorable Lawrence E. Schmidt, Esquire
Zoning Commissioner
for Baltimore County
Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing
Warrener Rentals, Inc.
Case No. 97-225-SPH



Dear Commissioner Schmidt:

We would respectfully hereby note an appeal to the County Board of Appeals from your Opinion and Order of February 18, 1997, and each and every part thereof to the Board.

We are preparing at this time to file a cycle case asking that this R.C.C. property be reclassified, actually restored to B.R. zoning in a sufficient size to accommodate the existing, long-established service garage use.

Our check in the amount of \$175.00 to note this appeal is enclosed herewith.

Respectfully submitted,

Newton A. Williams

Newton A. Williams

NAW/dlp

Enclosure

cc: County Board of Appeals - Courthouse
Peter J. Zimmerman, Esq. - Courthouse
Mr. Donald Warrener, Sr.
Mr. Vincent J. Moskunus

NEWTON A. WILLIAMS
THOMAS J. RENNLE
WILLIAM P. ENGELHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHAFF

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS

CHARTERED

SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX (410) 296-2765

JAMES D. NOLAN
(RETIRED 1980)

J. EARLE PLUMHOFF
(1940-1988)

RALPH L. DEITZ
(1918-1990)

WRITER'S DIRECT DIAL
873 7856

July 3, 1997

Mrs. Kathleen C. Bianco, Administrator
County Board of Appeals
Old Courthouse, Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: In the Matter of Warner Rentals, Inc.
Requested Postponement of Case No.: 97-225SPH
Pending Outcome of Reclassification Hearing
On September 30, 1997

Dear Mrs. Bianco:

We have just received a scheduling Notice of Assignment from the Board setting this case for Thursday, August 28, 1997 at 10:00 a.m.

Unfortunately, it was discovered in the course of the Zoning Commissioner's hearing that there is a problem with the underlying zoning, and hence we have filed the reclassification case in the same matter set for September 30, 1997. Accordingly, we would respectfully ask that the Board put this case on hold pending the outcome of the zoning matter.

Very truly yours,

Newton A. Williams

Newton A. Williams

NAW/dlp

cc: Mr. Donald Warner, Sr.
Mr. Vincent J. Moskunas
Peter J. Zimmerman, Esquire
Carole S. Demilio, Esquire

MICROFILMED

Procedural

RECEIVED
COUNTY BOARD OF APPEALS
97 JUL -7 PM 3:25

NEWTON A. WILLIAMS
THOMAS J. RENNER
WILLIAM R. ENGLEHART, JR.
STEPHEN J. NOLAN*
ROBERT L. HANLEY, JR.
ROBERT S. GLUSHAKOW
STEPHEN M. SCHENNING
DOUGLAS L. BURGESS
ROBERT E. CAHILL, JR.
C. WILLIAM CLARK
E. BRUCE JONES**
STUART A. SCHADT

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
SUITE 700, NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-4528
(410) 823-7800
TELEFAX: (410) 296-2785

JAMES D. NOLAN
(RETIRED 1980)
J. EARLE PLUMHOFF
(1940-1988)
RALPH E. DEITZ
(1918-1990)

*ALSO ADMITTED IN D.C.
**ALSO ADMITTED IN NEW JERSEY

WRITERS DIRECT DIAL
823-7856

August 22, 1997

Mrs. Kathleen C. Bianco
Administrator
County Board of Appeals
Court House - Room 49
400 Washington Avenue
Towson, Maryland 21204

Re: Notice to Strike Appearance in Two Warrenner Cases
Case No.: 97-225-SPH and P. 12-12-12
Case No.: CR-97-466X

Dear Mrs. Bianco:

As I told you earlier this summer, there have arisen certain circumstances which no longer permit us to represent Mr. and Mrs. Warrenner in these two matters.

Accordingly, please strike the appearance of Nolan, Plumhoff & Williams and Newton A. Williams in the above two matters.

It is our understanding that the reclassification case, Case No. CR-97-466X, is set for hearing before the Board of Appeals on Tuesday, September 30, 1997 at 10:00 a.m., and I am hereby advising the Warrenners to obtain new counsel or in the alternative, to dismiss this case. Of course, if a dismissal is filed, it should be filed without prejudice to their right to bring a case in the future or ask for a map request at some later date.

Thanking you and your staff for your kind attention to this matter, I am

Sincerely,

Newton A. Williams

Newton A. Williams

NAW:mao

cc: Mr. and Mrs. Donald Warrenner, Sr.
Mr. Vincent J. Moskunas
Peter J. Zimmerman, Esquire
Carole S. Demilio, Esquire

RECEIVED
COUNTY BOARD OF APPEALS
97 AUG 28 PM 12:59

MICROFILMED

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

MR DONALD WARRENER SR
19865 OLD YORK ROAD
WHITE HALL MD 21161

MICROFILMED



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Room 47, Old Courthouse
400 Washington Ave.
Towson, MD 21204

(410) 887 2188

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

January 11, 1999

Warrener Rentals, Inc.
c/o Donald Warrener, Officer
19861 Old York Road
White Hall, MD 21161

Re: Petition For Special Hearing
19861 Old York Road
NE Corner Old York Rd & Openshaw Rd
7th Election District, 3rd Councilmanic
WARRENER RENTALS, INC., Petitioner
Case No. 97-225-SP-1

Dear Mr. Warrener,

The Board of Appeals has rescheduled the above case for hearing on January 21, 1999 at 10:00 a.m.

In view of the lack of activity on the case since August 1997, and the withdrawal of your attorney at that time, we would appreciate it if you would inform this office of your intentions as to proceeding with your appeal.

Very truly yours,

A handwritten signature in cursive script that reads "Peter Max Zimmerman".

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in cursive script that reads "Carole S. Demilio".

Carole S. Demilio
Deputy People's Counsel

PMZ/caf

People's Counsel
Exhibit # 1

County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

MR VINCENT J MOSKUNAS
M & H DEVELOPMENT ENGINEERING
200 E JOPPA ROAD
TOWSON MD 21286

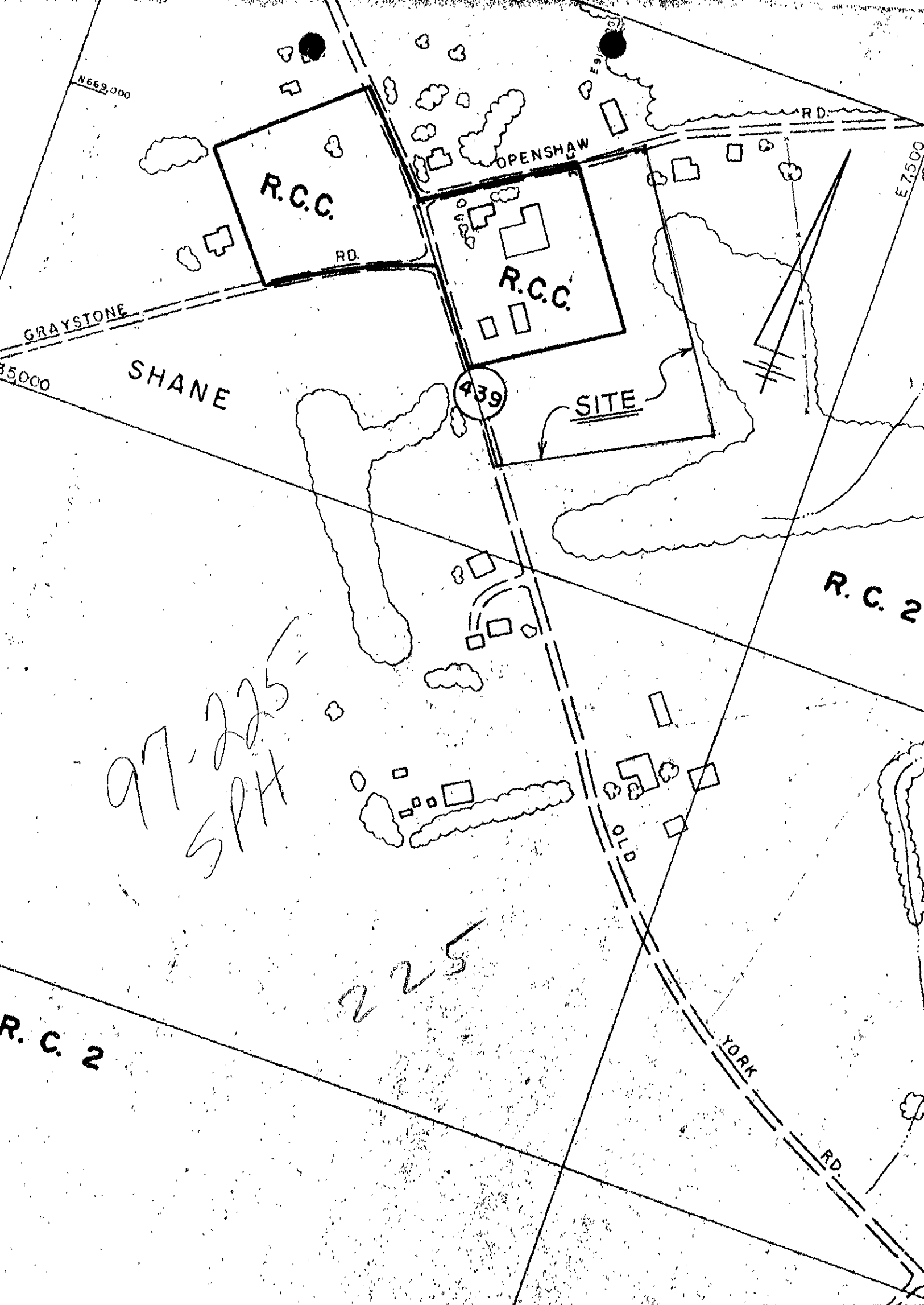
RECORDED

DATE:

CASE: 97-225-SPH

The Office of People's Counsel was created by County Charter to participate in zoning matters on behalf of the public interest. While it does not actually represent community groups or protestants, it will assist in the presentation of their concerns if they do not have their own attorney. If you wish to be assisted by People's Counsel, please sign below.

[illegible]



SCALE	LOCATION	SHEET
1" = 200' ±	SHANE	N.E.
DATE OF PHOTOGRAPHY JANUARY 1966	MICROFILMED	34-B

ZONING NOTICE

Case # : 97-225 SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.

PLACE 500M. B. 500 CONFORMANCE
TIME & DATE 10:00 AM - 12:00 PM
SPECIAL HEAR. TO APPROVE
NON CONFORMING SIGNAGE - CHANGE
UNLESS FOR THE OWN SIGNAGE - 100%
BUILDING ON THE SITE PLAN
10/14/97
10/14/97

MEMORANDUM FOR THE ZONING COMMISSIONER

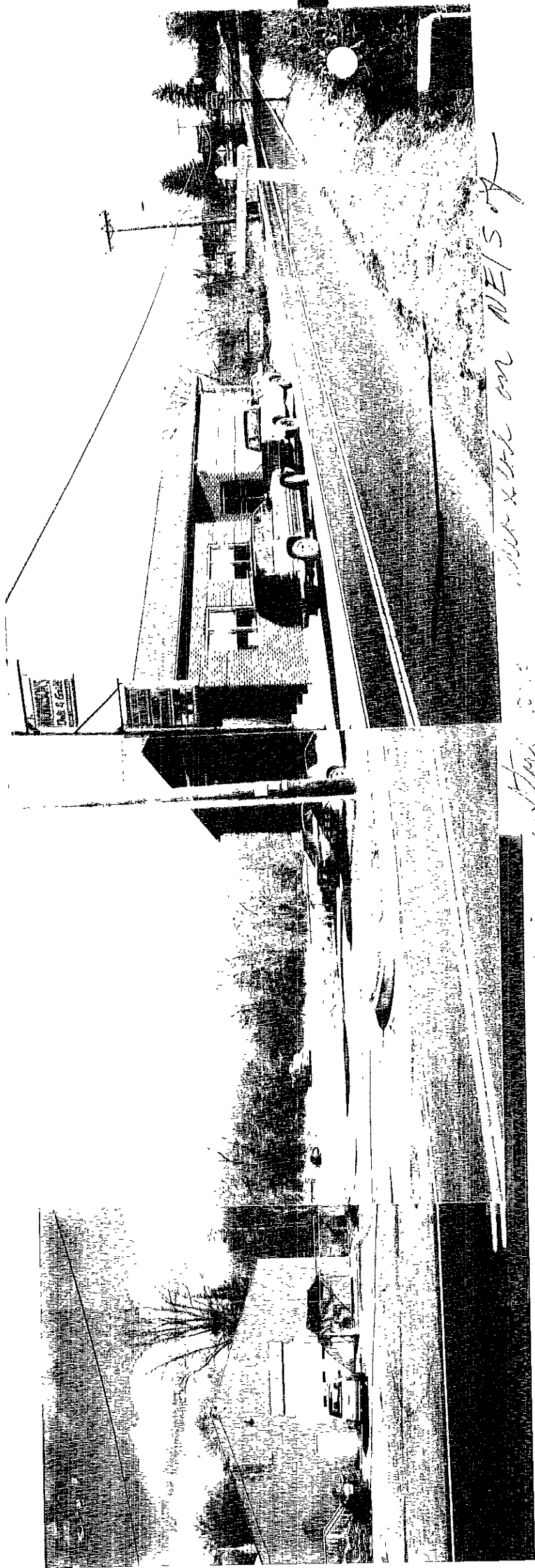
A. Sign for Hearing

Back to Bd.
7/3/97



Dr. Waveren home
 Case No. 97-11-11
 Waveren Park
 17861 Old,

MICROFILMED



over x the on WETS of

D. Service Linc. in ... Rd. ... E

10/10/10 11:11:11



E. N end of Hill; Lower Hill and
Viko Hill



F. Service Drayage looking SE from
Openshaw Road.

NOTICE OF MEETING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400

Washington Avenue, Baltimore, Maryland 21201 or Baltimore, Maryland 21201 or Baltimore, Maryland 21201 or Baltimore, Maryland 21201

Case: 687-225-5701

(Item 225)

1965 Old York Road NEC Old York and Openshaw Roads

Roads

7th Ebdon District

3rd Courthouse

Legal Owner(s):

Warner Rentals, Inc.

Special Hearings to approve non-conforming service garage uses for the one story, 50 x 80 foot building on the site

den.

Hearing: Monday, December 23, 1986 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

11/8/22 Nov. 28 C102862

CERTIFICATE OF PUBLICATION

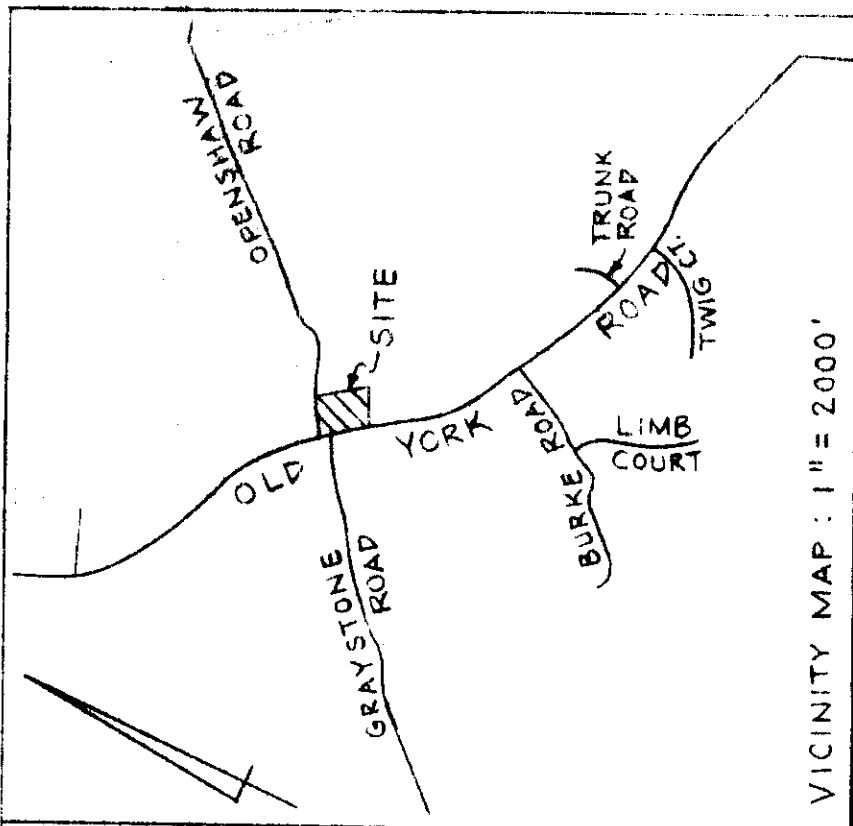
TOWSON, MD., Nov. 29, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 28, 1994.

THE JEFFERSONIAN,

A. H. Erickson
LEGAL AD. - TOWSON

MICROFILMED



VICINITY MAP: 1" = 2000'

LOCATION INFORMATION

1. COUNCILMANIC DISTRICT : 3
2. 1" = 200' SCALE MAP # : NE 34-B
3. ZONING : R.C.C. 2.11Cact, 94,250, RC2 2.1GAct 116, 145⁵⁴ SO
4. LOT SIZE : 4.83 210,395
ACREAGE SQUARE FEET
5. CHESAPEAKE BAY CRITICAL AREA : NO
6. PRIOR ZONING HEARINGS : NONE
7. OWNER : WARRENER RENTALS, INC.
19861 OLD YORK ROAD
BALTIMORE COUNTY, MD. 21161
8. TAX ACCOUNT # 0708030200
9. DEED : G258 - 727
10. CENSUS TRACT : 4071

PLAT TO ACCOMPANY APPLICATION
FOR ZONING SPECIAL HEARING
NO. 19861 OLD YORK ROAD
7TH ELECTION DISTRICT
BALTIMORE COUNTY, MD.
SCALE: 1"=50' NOV. 1, 1996.

RECEIVED NOV 6, 1996

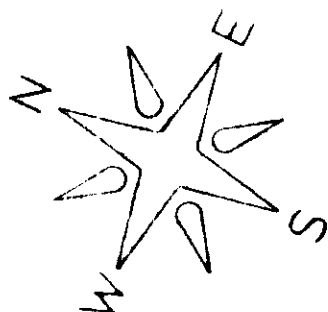
LEGEND...

PROPERTY LINE
ZEWING LINE
STRUCTURES
GRASS.

MICROFILMED

ZONING OFFICE USE ONLY!
REVIEWED BY: | ITEM # | CASE #

96-72



R.C.2

FRANKLIN & MARTHA COLE
3121 - 385
ACCT. # 0703047610

2002

JOHN & NORMA BROWN
9094 - 827
ACCT. # 2200002190

EDWARD & CYNTHIA
WARREN
7566 - 662
ACCT # 070403 51

EX.
2 STY.
STUCCO
DWLG.
#2500

OPENSHAW

R.C.C.

ROAD

N 63 1/4° E 429'

POINT
OF
BEGINNING

GRAYSTONE

ZONING
LINE

ROAD

OLD YORK
MD. RTE. 439

R.C.2

ROAD

100

WARRENER RENTALS, INC.
G 258 - 727
ACCT. # 0708038080
(PARCEL TWO)

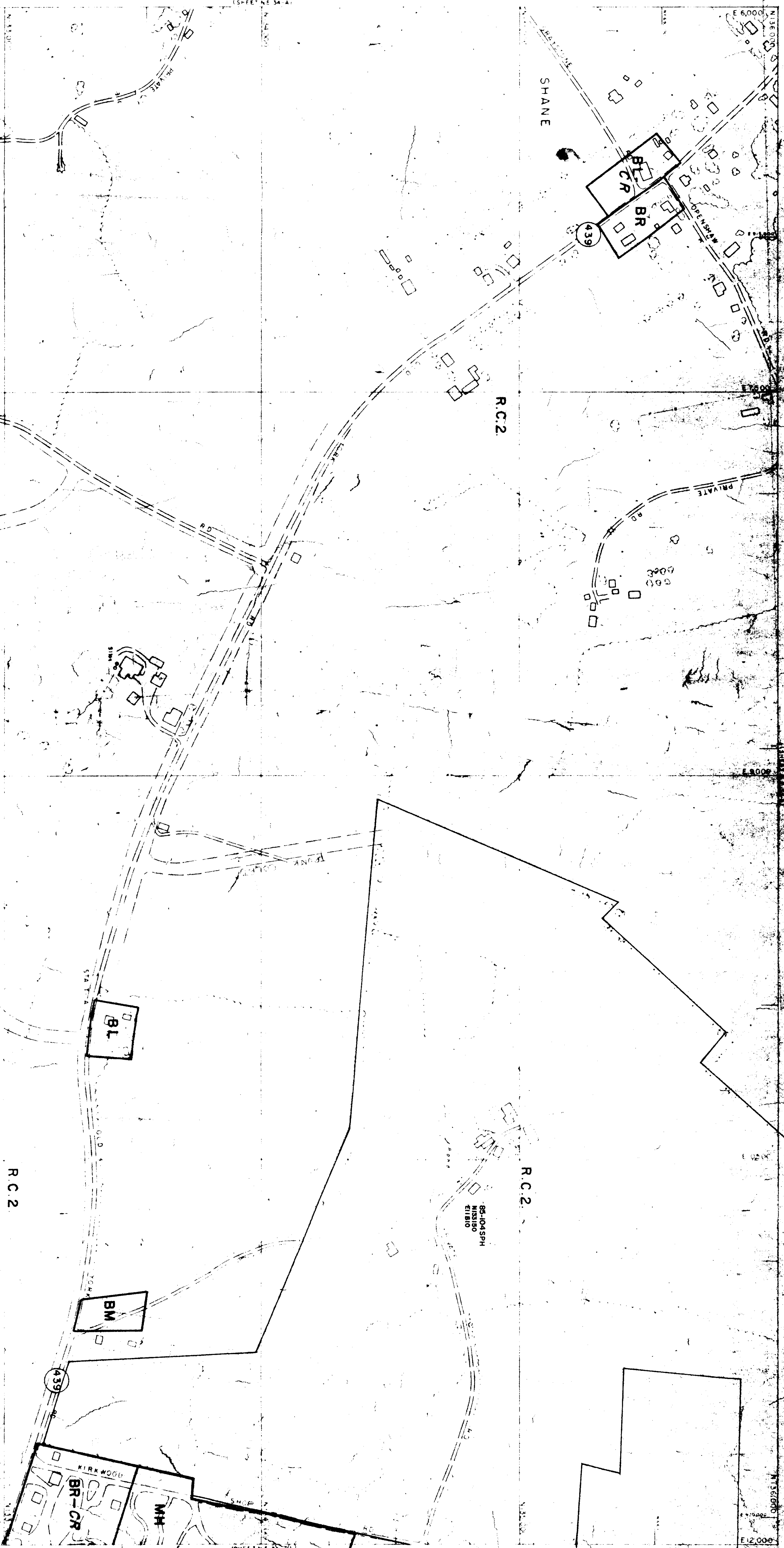
200

DEVELOPMENT
ENGINEERS, INC.

SUNDAY, JANUARY
 GUSTAFSON, 191, WOOD
 ROAD, WOOD, 1911-1912

921.9840

Handwritten signature: *Handwritten signature*



1980

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY, MARYLAND
OFFICIAL ZONING MAP

REVISIONS

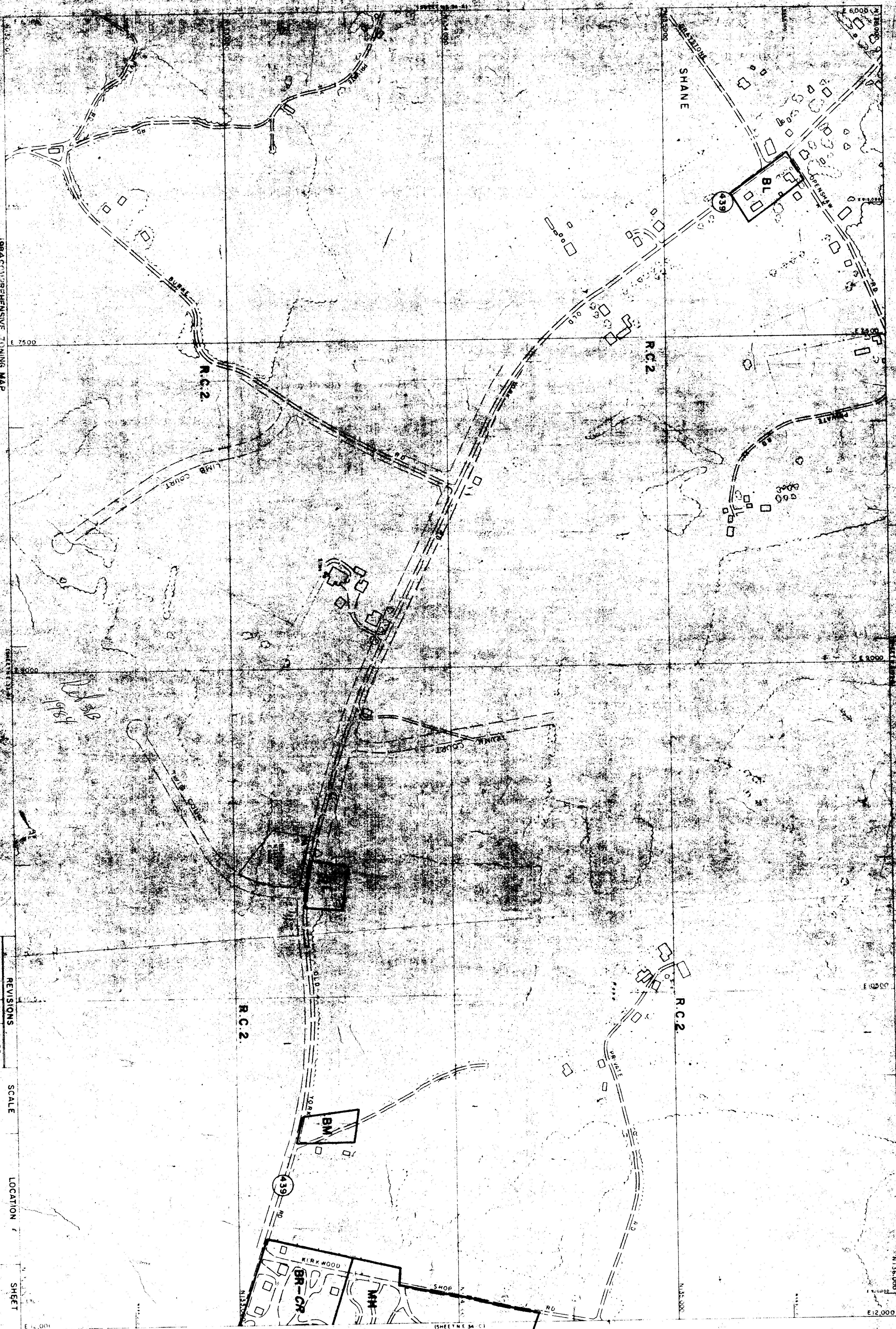
NO.	DATE	DESCRIPTION
1	1980	PHOTOGRAPHY
2	1980	MAPS INCORPORATED BALTIMORE, MD

SCALE 1" = 200'

LOCATION SHANE MICROFILMED

SHEET NE 34-B

MAPS INCORPORATED BALTIMORE, MD



1984 COMPREHENSIVE ZONING MAP
 ADOPTED BY THE
 BALTIMORE COUNTY COUNCIL
 NOV. 13, 1984
 BALTIMORE COUNTY, MARYLAND
 1984

CHAIRMAN, COUNTY COUNCIL

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY, MARYLAND OFFICIAL ZONING MAP

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	SHANE	NE
				348

Compiled by Photogrammetric Methods
 MAPS INCORPORATED - BALTIMORE 22, MARYLAND

MICROFILMED